



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, June 15, 2009

Commissioner Deidre Malone, Chairman
Commissioner Joyce Avery, Chairman Pro Tempore
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism
Commissioner George Flinn

Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Matt Kuhn
Commissioner Steve Mulroy
Commissioner Mike Ritz

6/12/2009 10:43 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman Deidre Malone

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

Reverend Bartholomew Orr
Brown Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session
April 27, 2009

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

1. Resolution commemorating the month of June as Black Music Month in Shelby County, Tennessee. Sponsored by Commissioner Henri E. Brooks.
2. Resolution honoring Mrs. Ruby Jackson Payne on the occasion of her retirement as principal of Hanley Elementary School. Sponsored by Commissioner Henri E. Brooks.
3. Resolution acknowledging the month of June as Shelby County Firefighter Appreciation Month. Sponsored by Commissioner James Harvey, Sr.
4. Resolution acknowledging "The World's Largest Garage Sale" scheduled to be held at the FedEx Forum parking garage in Memphis, Tennessee on June 27, 2009. Sponsored by Commissioner James Harvey, Sr.

Ordinances

RITZ
Chairman, Land Use
Committee

5. [ORDINANCE - FIRST READING - An Ordinance Amending Ordinance No. 344, Relative to the Method of Appealing an Adverse Decision of the Shelby County Adult-Oriented Establishment Registration Board. Sponsored by Commissioner Steve Mulroy](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

GIBSON
Chairman, Budget and
Finance Committee

6. [Resolution approving expenditure of funds in the amount of \\$454,599.51 to U.S. Ink and Toner, Inc. to purchase toner cartridges for printers and fax machines for the various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \\$454,599.51. Sponsored by Chairman Deidre Malone. \(DEFERRED FROM 6/1/09\)](#)

BUNKER

Chairman, Public
Works Committee

7. Resolution Approving The Expenditure Of Funds By Shelby County Government To Apac-Tennessee, Inc. And Standard Construction Company And Lehman Roberts Company For Plant Mix Asphalt In The Approximate Amount Of \$1,000,000.00 From July 1, 2009 To June 30, 2010 And This Item Requires The Expenditure Of State Gas Tax Funds In The Amount Of \$1,000,000.00. Sponsored By Commissioner Wyatt Bunker.

AVERY

Chairman, Hospitals
and Health Committee

8. A resolution approving an agreement in an amount not to exceed \$950,000 with Memphis Area Transit Authority for the period July 1, 2009 through June 30, 2013 for the provision of fares being provided at the reduced rate of twenty-five cents (\$.25) per rider on days that the Health Department's Pollution Control Section predicts "code orange" or "code red" ozone days. This item requires expenditures of Federal grant funds in an amount not to exceed \$950,000 previously appropriated by item #5 adopted on December 22, 2008. Resolution sponsored by Commissioner Joyce Avery.

AVERY

Chairman, Hospitals
and Health Committee

9. A resolution approving a renewal of lease agreement in the amount of \$214,850.16 with Southland Mall Shopping, LLC, for three years, commencing on June 1, 2009 through May 31, 2012 for office and clinic space at Southland Mall Shopping Center, (Space 283 & 285) 1215 Southland Mall, Memphis, TN 38116 for the operation of a Public Health Clinic, and appropriation of said funds. This item requires the expenditure of County General Funds in the amount of \$116,478.72 and State Grant Funds in the amount of \$98,371.44. Resolution sponsored by Commissioner Joyce Avery.

AVERY

Chairman, Hospitals
and Health Committee

10. A resolution approving an amendment to a contract between Shelby County Government and Maxim Healthcare Services, Inc. d/b/a Maxim Staffing Solutions Inc. to increase the contract amount for the period July 1, 2008 through June 30, 2009 by \$61,000.00, from the initial amount of \$99,000.00 to an amount not to exceed \$160,000.00 for the provision of professional health care staffing services for community-based and outpatient clinic programs and to appropriate said funds. This item requires expenditure of grant funds provided by Shelby County Board of Education in an amount not to exceed \$160,000. Resolution sponsored by Commissioner Joyce Avery.

CHISM

Chairman, Law
Enforcement
Committee

11. Resolution Approving Contract With ARAMARK Correctional Services, LLC In The Amount Not To Exceed \$4,704,614.00 For The Management And Provision Of Food Services For The Division Of Corrections, Amending The FY10 Corrections Fund Budget, And Appropriating Said Funds. This Item Requires Expenditure Of Corrections Funds In The Amount Of \$4,704,614.00. Sponsored By Commissioner Sidney Chism. (DEFERRED TO 6/29/09)

CHISM

Chairman, Law
Enforcement
Committee

12. Resolution approving contract amendment between Shelby County Government, on behalf of the Juvenile Court of Memphis and Shelby County, and Softtec, Inc. in the amount not to exceed 20,400.00 for the provision of additional programming and software modification on the Juvenile Court Case Management System and appropriation of said funds. This item requires an expenditure of \$20,400.00. This resolution is sponsored by Commissioner Sidney Chism. (DEFERRED TO 6/29/09)

CHISM

Chairman, Law
Enforcement
Committee

13. Resolution amending the FY 2008/2009 Operating Budget of the Juvenile Court of Memphis and Shelby County Child Support Grant to reallocate funds within said budget with no change in the total grant budget. This resolution is sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement
Committee

14. A resolution amending the FY10 Operating Budget in the amount of \$226,634.00 to allow maximum expenditure of federal grant funds from grants previously approved by the Shelby County Board of Commissioners. This item requires expenditure of federal grant funds in the amount of \$226,634.00. Sponsored by Commissioner Sidney Chism. (ADD-ON IN COMMITTEE AND AMENDED 06/10/09)

RITZ

Chairman, Land Use
Committee

15. Resolution authorizing Shelby County Government on behalf of the Department of Regional Services to accept a grant award and approve a contract from the Tennessee Department of Transportation in the amount of \$63,036.00 for staffing and administration of a rural planning organization in order to identify rural multi-modal transportation needs, amend the FY 09-10 Operating Budget, and appropriate said funds. This item requires an expenditure of \$63,036.00. Sponsored by Commissioner Mike Ritz.

FLINN

Chairman, Community
Services Committee

16. A resolution approving a contract in the amount of \$631,382 with the University of Memphis, for the provision of Head Start Services and this item requires expenditure of grant funds in the amount of \$631,382. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

17. A resolution to amend the FY 2009 Operating Budget to allow maximum expenditure of grant funds from the Tennessee Department of Agriculture in the amount of \$3,677.00 for the Community Services Agency Commodities Program for the period of October 1, 2007 through September 30, 2008. This item requires expenditure of state grant funds in the amount of \$3,677.00. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

18. A resolution approving the fifth addendum to a lease agreement between L & P Building Owner, LLC and Delta Commission on Aging D/B/A Aging Commission of the Mid-South to provide office space on the 10th and 9th floors at 2670 Union Avenue Extended, Memphis Tennessee 38112 from July 1, 2009 – June 30, 2010 and which requires expenditure of State Grant Funds in the amount of \$77,541.35 and Federal Grant Funds in the amount of \$84,003.15. Sponsored by Commissioner George Flinn.

FLINN

Chairman, Community
Services Committee

19. A resolution approving a contract with CIMS Global Technology Solutions, Inc. in the amount of \$150,000.00 for professional services to support the Jericho Project. This item requires expenditures of County General Funds in the amount of \$50,000.00 and Federal Grant Funds in the amount of \$100,000.00. Sponsored by Commissioner George Flinn. (ADD-ON IN COMMITTEE 06/10/09)

FORD

Chairman, General
Government
Committee

20. Resolution limiting the authority of all County elected officials, Shelby County employees, private organizations, and other public entities to use "Shelby County Government" or any legal equivalent to endorse or sponsor any event or fund raising effort. Sponsored by Commissioner Mike Ritz. (AMENDED IN COMMITTEE 06/10/09)

MULROY

Chairman, Core City
Committee

21. Resolution approving the transfer of title of one parcel of Homestead Program property pursuant to Tennessee Code Annotated 7-66-101 to 7-66-111 and resolution #24 adopted by the Shelby County Board of Commissioners October 7, 1985 authorizing the implementation of the Shelby County Homestead Program. Sponsored by Commissioner Steve Mulroy.

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD

Chairman, General
Government
Committee

22. [Resolution approving the County Mayor's nomination of Van D. Turner, Jr. for appointment and Bill McGaughey for reappointment to the Shelby County Health, Education and Housing Facility Board. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

23. [Resolution approving the County Mayor's nomination of Oretha Anderson and Linda Lee White for reappointment to the Shelby County Work Release Board. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

24. [Resolution approving the County Mayor's Nomination of Max B. Ostner, Jr. for appointment to the Shelby County Healthcare Corporation. Sponsored by Commissioner Joe Ford.](#)

FORD

Chairman, General
Government
Committee

25. [Resolution approving the County Mayor's nomination of Earnest Gunn for reappointment and Bill McGaughey for joint City-County reappointment to the Memphis and Shelby County Sports Authority. Sponsored by Commissioner Joe Ford.](#)

Ordinances

GIBSON

Chairman, Budget and
Finance Committee

26. [ORDINANCE - FIRST READING - Ordinance fixing the tax rate for Shelby County for the year 2009. Sponsored by Commissioner J. W. Gibson.](#)

FORD

Chairman, General
Government
Committee

27. [ORDINANCE - THIRD READING - An ordinance to amend the Shelby County Code of Ordinances by enacting a new prevailing wage ordinance that requires compliance with prevailing wages and benefits and provides for a means of enforcement, penalties, and sanctions for violations. Sponsored by Commissioner Steve Mulroy.](#)

RITZ

Chairman, Land Use
Committee

28. **ORDINANCE -THIRD READING - A joint ordinance by the Council of the City of Memphis and the Shelby County Board of Commissioners amending the sign provisions of the Zoning Code of Memphis and Shelby County, adopted by the Shelby County Board of Commissioners on October 6, 1980 and by the Council of the City of Memphis on October 7, 1980, so as to make certain changes as hereinafter set out and establish an effective date therefore. Sponsored by Commissioner Mike Ritz.**

Zoning and Subdivisions

RITZ

Chairman, Land Use
Committee

29. **CASE NO. P.D. 08-306 CC**
APPLICANT: Walnut Grove Properties, LLC
LOCATION: Northwest corner of Houston Levee Road and Walnut Grove Road
REQUEST: Planned development to consolidate parcels into one Outline Plan to allow a mixed-use plan of office and retail, including upper-story residential and live/work units, multi-family apartments/independent senior living facility and planned commercial development
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, June 5, 2009.)
(AMENDED IN COMMITTEE 6/10/09)

Reports and/or Resolutions for Standing Committees

GIBSON

Chairman, Budget and
Finance Committee

30. [Resolution to amend the FY2010 General Fund Operating Budget by rescinding the three layoffs in the Public Defender's Office required by the resolution adopting the FY2010 Operating Budget, providing three new assistant public defender positions over the number in the proposed 2010 Budget, and decreasing the County Commission's Special Contingency Fund; and appropriating the necessary Funds. Sponsored by Commissioner J. W. Gibson, II. \(ADD-ON IN COMMITTEE 06/10/09\)](#)

FORD

Chairman, General
Government
Committee

31. [Resolution declaring the intent of the Shelby County Board of Commissioners to donate the County's interest in the Mid-South Coliseum arena and the Liberty Bowl Real Property to the City of Memphis without monetary consideration; requesting the County Mayor's administration seek to facilitate said donation; and authorizing the County Mayor to execute quit claim deeds and other necessary documents. Sponsored by Commissioner Mike Ritz.](#)

FLINN

Chairman, Community
Services Committee

32. [Resolution approving a proposal for submission to the City of Memphis for the transfer of operations of the Memphis Sexual Assault Resource Center to Shelby County Government without monetary consideration and requesting the City of Memphis adopt said proposal and authorizing the County Mayor to execute any and all documents necessary to effectuate same. Sponsored by Commissioner Mike Carpenter. \(SENT FROM COMMITTEE WITHOUT RECOMMENDATION\)](#)

FORD

Chairman, General
Government
Committee

33. [Resolution to approve and set the salary of the Chairman of the Shelby County Commission for the 2009/2010 term. Sponsored by Commissioner Joe Ford.](#)

Announcements/Statements

Adjournment

34. Resolution of adjournment to Monday, June 29, 2009 at 1:30 p.m.